

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

03 APR -8 PM 1:52

U.S. DISTRICT COURT  
N.D. OF ALABAMA

CHARLES DRINKARD,

Plaintiff,

**VS.**

GERALD McMILLIAN,

**Defendant.**

CV-00-PT-2672-M

**ENTERED**  
APR - 8 2003

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 19, 2003, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 8<sup>th</sup> day of April, 2003.

ROBERT B. PROPST

UNITED STATES DISTRICT JUDGE